



UNITED STATES PATENT AND TRADEMARK OFFICE

T.

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/782,442	02/19/2004	Charles Phillips	PHILLIPS	5640

156 7590 08/22/2007
KIRSCHSTEIN, OTTINGER, ISRAEL
& SCHIFFMILLER, P.C.
489 FIFTH AVENUE
NEW YORK, NY 10017

EXAMINER

MAYES, MELVIN C

ART UNIT	PAPER NUMBER
----------	--------------

1734

MAIL DATE	DELIVERY MODE
-----------	---------------

08/22/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/782,442

Applicant(s)

PHILLIPS, CHARLES

Examiner

Melvin Curtis Mayes

Art Unit

1734

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 April 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2,3,5-16 and 18-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2,3,5-16 and 18-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

(1)

The indicated allowability of the claims is withdrawn in view of the newly discovered reference(s) to Cozza et al, 3,384,083, Gerard 3,028,576, Lang 6,663,455 and Anderson 5,405,479. Rejections based on the newly cited reference(s) follow.

Claim Objections

(2)

Claims 2, 3, 5-7 and 15 are objected to because of the following informalities: the claims now list steps which appear out of clear and understandable order. For example “g) each positioning step...” of Claim 2 is not an additional step but refers to previous steps, and “g) coating...” of Claim 3 best precedes the “positioning” steps. Although steps are not necessarily limited by the order of recitation in claims, the “a)” etc. imply a sequence. It is suggested that the “a)”, “b)” etc. which imply order of the steps be deleted from the claims. Appropriate correction is required.

Claim Rejections - 35 USC § 112

(3)

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

(4)

Claims 18-20 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Claims 18 and 19 each claim a “means for removing the sealed film assembly from the carrier” however there is no description in the original specification of such a means in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The specification describes that after the balloon assembly of sealed film and carrier is printed, the films constituting the balloon are peeled away from the carrier or the consumer could be instructed to peel and inflate the balloon. There is however no description of any type of means for removing the balloon, a sealed film assembly, from the carrier. A “means for removing...” was also not part of an original claim and cannot be added merely because the specification discloses peeling a balloon away from the carrier.

Claim Rejections - 35 USC § 103

(5)

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Art Unit: 1734

(6)

Claims 2, 3, 5-12, 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cozza et al. 3,384,083.

Cozza et al. disclose a method and apparatus for making gloves, boots or tubular article to be worn on a human limb comprising:

feeding a paper backing (carrier) from a base paper supply roll 32;

feeding a first plastic film (lower film) from a supply roll 30 (lower film from film roll);

feeding an upper plastic film (upper film) from a supply roll 36 (upper film from film roll);

positioning the lower film on the carrier at laminating rollers (means for positioning a lower film, see Fig. 3, "laminating" as claimed in Claim 6);

positioning the upper film on the lower film (means for positioning an upper film, see Fig. 3);

conveying the carrier and films on a conveyor (see Fig. 3);

heat sealing and die cutting the films at heat sealing and die cutting means 38 to form gloves, boots or tubular articles (sealed film assembly) on the carrier (steps of sealing and adhering, cutting the films as claimed in Claim 7, sealing and cutting performed simultaneously as claimed in Claim 8, cutting at least partly within the boundary areas as claimed in Claim 10, leaving lower and upper films in the spacing as claimed in Claim 12, means for sealing and means for adhering as claimed Claim 18 and means for cutting the films as claimed in Claim 19);
and

Art Unit: 1734

removing scrap film from the base paper (removing lower and upper films as claimed in Claim 11).

The plastic films could be polyethylene coated substrates such as polyethylene coated Mylar or nylon (upper and lower films coated with fusible coatings as claimed in Claim 3) (col. 2-3, Fig. 3).

With respect to Claims 9 and 19, Cozza et al. also disclose sealing layers of plastic sheet together along a line and cutting the sealed layers along a line that defines the periphery of the article (col. 4, lines 10-14), which suggests that it would have been obvious to one of ordinary skill in the art to have performed the cutting step subsequent to the sealing step, as claimed in Claim 9, or providing "means for sealing" and "means for cutting: as claimed in Claim 19.

According to the present specification, it is the consumer who could be instructed to peel (remove) and inflate the balloon (sealed film assembly). Removing a glove, boot or tubular article (sealed film assembly) from the paper backing (carrier) after sealing in the method of Cozza et al., would have been obvious to one of ordinary skill in the art to enable the sealed film assembly to be worn on a human limb, thus meeting the claimed step of "removing the sealed assembly from the carrier after sealing."

(7)

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Cozza et al. as applied to claim 2, and further in view of Gerard 3,028,576.

Gerard teaches that in making plastic gloves by feeding a paper web (carrier) and two plastic webs for heating sealing and cutting the plastic webs into the shapes of gloves, at a

Art Unit: 1734

subsequent cutting station, the paper web is cut transversely so as to form each glove upon a separate rectangular sheet of paper (cutting the carrier subsequent to the sealing step).

It would have been obvious to one of ordinary skill in the art to have modified the method of Cozza et al. for making gloves, boots or tubular article to be worn on a human limb by cutting the base paper (carrier) after the heat sealing step, as taught by Gerard, so as to form each glove upon a separate sheet of paper.

(8)

Claim 2, 3, 5, 6-8, 10, 12, 14-16 and 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson 5,405,479 in view of Lang 6,663,455 and Cozza et al. 3,384,084.

Anderson discloses a method and apparatus for making balloons comprising:

providing supply spools 16 and 17 of lower and upper web materials (lower and upper films) for making balloons, such as nylon, polyethylene, mylar, polypropylene, polyester or composite laminate;

drawing the webs through roller assemblies 11 and 12 using drawing means in the form of conveyor belt 20 and draw roller 21 to pinch the web materials therebetween; and

drawing the webs into die station 22 to heat seal the webs together at their periphery by heat seal stamp 23 and also cut out the resulting balloon. A valve 29 is inserted between the upper and lower webs by valve insertion means prior to heat sealing the webs (col. 4-7).

Anderson does not disclose providing a support carrier of shape-retaining material less flexible than the films and positioning the lower film on the carrier.

Lang teaches that balloons, prior to inflation, may be fed through a conventional inkjet printer. To assist in this, the balloon may be provided on a relatively rigid former or substrate

Art Unit: 1734

such as card or any fine film, and the substrate may advantageously be provided with a layer of light adhesive so as to retain the balloon in position during printing but which will enable the balloon to be released readily from the substrate. Lang teaches that balloons on a substrate can be manufactured as a continuous belt with perforations between each adjacent pair of balloons and the balloons either fan-folded or provided on a reel for being fed through a commercially available printer or may be supplied individually for being fed as paper is fed in stacks to a printer. Lang also teaches that the balloon has removable flanges so as to form an overall rectangular shape for feeding through a printer, the removable flanges remaining on the substrate after removal of the balloon therefrom (col. 3, lines 4-55).

Cozza et al. teach that in making a series of hollow plastic articles by heat sealing continuous lengths of plastic material, continuous paper backing may also be provided during the fabrication (col. 1, lines 10-20).

It would have been obvious to one of ordinary skill in the art to have modified the method of Anderson for making balloons by providing the balloons with a relatively more rigid carrier substrate (support carrier), as taught by Lang, to enable balloons to be fed through a conventional inkjet printer or commercially available printer. Providing the balloons as adhered to a carrier substrate such as by adhesive would have been obvious to one of ordinary skill in the art to enable either a continuous length of balloons on a substrate or balloons on individual substrates to be fed through a conventional printers for printing.

Providing the balloons with a relatively more rigid carrier substrate by feeding a continuous carrier substrate with the lower and upper plastic web materials during fabrication of the balloons would have been obvious to one of ordinary skill in the art, as Cozza et al. teach that

Art Unit: 1734

in making a series of hollow plastic articles by heating sealing two continuous webs of plastic material, a backing for the articles can also be provided by feeding a continuous backing with the continuous plastic webs during the fabrication process. Feeding a continuous carrier substrate web with the lower and upper plastic webs during fabrication of the balloons by heat sealing would have been obvious to one of ordinary skill in the art to form the balloons and provide and adhere the balloons with a carrier substrate in a single continuous process, as suggested by Cozza et al. One of ordinary skill in the art would have recognized from the similar process of Cozza et al., that heat sealing of continuous plastic webs and laminating to a continuous backing can be performed in a single continuous process and would have known to have applied the teaching of Cozza et al. to the method of making a series of balloons on a carrier substrate in the method as suggested by Anderson and Lang.

According to the present specification, it is the consumer who could be instructed to peel (remove) and inflate the balloon (sealed film assembly). Removing a balloon (sealed film assembly) from the carrier substrate after sealing and printing in the method of the references as combined would have been obvious to one of ordinary skill in the art to enable the printed balloon to then be inflated, thus meeting the claimed step of "removing the sealed assembly from the carrier after sealing."

Leaving lower and upper films in the spacing, as claimed in Claim 12, would have been obvious to one of ordinary skill in the art, as Lang teaches that each balloon has removable flanges so as to form an overall rectangular shape for feeding through a printer, the removable flanges remaining on the substrate after removal of the balloon therefrom.

Art Unit: 1734

Cutting the carrier substrate subsequent the heat sealing, as claimed in Claim 13, thus providing "means for cutting the films" as claimed in Claim 19, would have been obvious to one of ordinary skill in the art to provide individual balloons for being fed the way that paper is fed in stacks to a printer, as taught by Lang as an alternative to providing balloons either fan-folded or provided on a reel for being fed through a printer. Cutting the continuous lengths of carrier substrate and lower and upper film webs to provide each balloon on an individual carrier substrate would have been obvious to one of ordinary skill in the art to provide individual balloons for being fed like stacked paper to a printer.

Conclusion

(9)

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

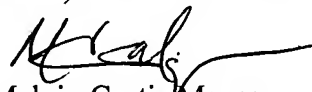
Kopito et al. disclose heat sealing using a conveyor.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melvin Curtis Mayes whose telephone number is 571-272-1234. The examiner can normally be reached on Mon-Fri 7:30 AM - 4:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Phillip C. Tucker can be reached on 571-272-1095. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 1734

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Melvin Curtis Mayes
Primary Examiner
Art Unit 1734

MCM
August 20, 2007